plish what they set their hands to were objects of her entire contempt—a contempt shown less frequently by anything she said than by a kind of stony grimness, as if she scorned to say any-

thing about the matter.

As to mental cultivation; she had a clear read in history and the older English classic and thought with great strength within certain made up, labelled in most positive and distinct forms, and put by, like the bundles in her patch trunk—there were just so many of them, and there were never to be any more. So, also, were her ideas with regard to most matters of practical life—such as housekeeping in all its branches, and the various political relations of her native village. And underlying all, deeper than anything else, higher and broader, lay the strongest principle of her being-conscie tiousness. Nowhere is conscience so dominan and all-absorbing as with New England women It is the granite formation, which lies deepes and rises out, even to the tops of the highes

Miss Ophelia was the absolute bond slave of Once make her certain that the "path of duty," as she commonly phrased it, lay in any given direction, and fire and water could not keep her from it. She would walk the tropics. Huge pomegranate trees with their glossy leaves and flame-colored flowers, darkstraight down into a well, or up to a loaded cannon's mouth, if she were only quite sure that there the path lay. Her standard of right was so high, so all-embracing, so minute, and makstars, geraniums, luxuriant roses bending be-neath their heavy abundance of flowers, golden jessamines, the lemon-scented verbenum, and ing so few concessions to human frailty, that though she strove with heroic ardor to reach it. she never actually did so, and of course wa burdened with a constant and often harassing sense of deficiency; this gave a severe and somewhat gloomy cast to her religious charac-

But how in the world can Miss Ophelia get along with Augustine St. Clare, gay, easy, un-punctual, unpractical, skeptical—in short, walk-ing with impudent and nonchalant freedom r every one of her most cherished habits and

To tell the truth, then, Miss Ophelia loved him his catechism, mend his clothes comb his hair, and bring him up generally in the way he should go; and her heart having a warm side to it. Augustine had, as he usually did with most people, monopolized a large share of it for him and therefore it was that he succeeded very easily in persuading her that the "path of duty lay in the direction of New Orleans, and the Mm to take care of Eva, and keep everything from going to wreck and ruis during the frequent Harry him wife. The idea of a house without anybody to take car ly little girl as few could help doing; and though she regarded Augustine as very much of a her then, yet she loved him, laughed at his joke and forbore with his failings, to an extent which those who knew him thought perfectly in-credible. But what more or other is to be known of Miss Ophelia, our reader must dis cover by a personal acquaintance

There she is, sitting now in her state-room. surrounded by a mixed multitude of little and big carpet-bags, boxes, baskets, each contain some separate responsibility which she tying, binding up, packing, or fastening, with face of great earnestness.

Now, Eva, have you kept count of your thing-

Of course you have not, children never do; there's the spotted carpet-bag and the little blue band box with your best bonnet, that's two; then the India rubber satchel, is three; and my tape and needle box is four and my hand-box five an my collar box, six; and that little hair trunk seven. What have you done with your sun-shade? Give it to me, and let me put a paper round it, and tie it to my umbrella with my shade; there now. "Why, aunty, we are only going up home

what's the use "To keep it nice, child; people must take care of their things if they ever mean to have anything; and now, Eva, is your thimble put

Really, aunty, I don't know.

thimble, wax, two spools, seissors, knife, tape needle; all right; put it in here. What did you ever do child, when you were coming on with only your papa. I should have thought you'd a lost everything you had."

Well, aunty, I did lose a great many; and then, when we stopped anywhere, papa would buy some more of whatever it was. Mercy on us, child, what a way!"

"It was a very lazy way, aunty," said F "It's a dreadful shiftless one," said aunty.

Why, aunty, what'll you do now? Eva: "that trunk is too full to be shut down It must shut down," said aunty, with the air of a general, as she squeezed the things in, and sprung upon the lid; still a little gap remained about the mouth of the trunk.

"Get up here, Eva!" said Miss Ophelia.

This trunk has got to be shut and locked-there are no two ways about it. And the trunk, intimidated doubtless by this

resolute statement, gave in. The hasp snapped sharply in its hole, and Miss Ophelia turned the key, and pocketed it in triumph. "Now we're ready. Where's your papa

think it time this baggage was set out. Do look out, Eva, and see if you see your papa."

Oh yes, he's down the other end of the ge tlemen's cabin, eating an orange."

He can't know how near we are coming. said aunty; "hadn't you better run and speal

said Eva, " and we haven't come to the lar ing. Do step on the guards, aunty. Look there's our house, up that street!" The boat now began, with heavy groans, like

some vast tired monster, to prepare to push up among the multiplied steamers at the levee. Eva joyously pointed out the various spires, domes, and way-marks, by which she recogni

"Yes, yes, dear: very fine," said Ophelia "But mercy on us! the boat has stopped! where

And now ensued the usual turmoil of land ing—waiters running twenty ways at once— mentugging trunks, carpet-bags, boxes—women anxiously calling to their children, and everybody crowding in a dense mass to the plank

towards the landing.

Miss Ophelia seated herself resolutely on the lately vanquished trunk, and marshalling all her goods and chattels in fine military order, seemed resolved to defend them to the last.

Shall I take your trunk, ma'am ?" I take your baggage?" "Let me 'tend to your baggage, missis?" "Shan't I carry out these yer, missis ?" rained down upon her unheed-ed. She sat with grim determination, upright as a darning-needle stuck in a board, holding on her bundle of umbrella and parasols, and replying with a determination that was enough to strike dismay even into a hackman, wondering to Eva, in each interval, "what | pieces of change among them. upon earth her papa could be thinking of—he couldn't have fallen over now—but something must have happened"-and just as she had begun to work herself into a real distress, he ne up with his usually careless motion, and who carried a large satchel which she had been giving Eva a quarter of the orange he was eat-

Well, cousin Vermont, I suppose you are

"Fve been ready waiting nearly an hour," said Miss Ophelia; "I began to be really con-

"That's a elever fellow, now," said he. "Well the carriage is waiting, and the crowd are now off, so that one can walk out in a decent and Christian manner, and not be pushed and shoved. "Here," he added to a driver who down the opera glass; "is that the way you treat your company? Seems to me, 'Dolph,' he added, laying his finger on the elegant figured satin vest that Adolph was sporting, stood behind him, "take these things." "I'll go and see to his putting them in." said

"Oh, pshaw, cousin, what's the use " said

"Well, at any rate, I'll carry this and this and this," said Miss Ophelia, singling out three boxes and a small carpet-bag.

"My dear Miss Vermont, positively, vo mustn't come the Green Mountains over us that way—you must adopt at least a piece of a Southern principle, and not walk out under all that load; they'll take you for a waiting maid give them to this fellow; he'll put them down as if they were eggs, now."

Miss Ophelia looked despairingly, as her

nephew took all her treasures from her, and rejoiced to find herself once more in the car- Adolph, laughing. "I'm delighted to see massa

in such spirits."
"Here, Tom," said St. Clare, beckoning ringe with them, in a state of preservation.
"Where's Tom?" said Eva.
"Oh, he's on the outside, Pussy. I'm going to take Tom up to mother for a peace-offering, to make up for that drunken fellow that upset ed splendors of mirrors, pictures, statues, and

"Oh, Tom will make a splendid driver, I know," said Eva;" "he'll never get drunk."

The carriage stopped in front of an ancient "See here, Marie," said St. Clare to his wife I've bought you a coachman at last, to order tell you, he's a regular hearse for blackness on, built in that odd mixture of Spanish and French style, of which there are yet specimens in some parts of New Orleans. It was built in the Moorish fashion—a square building encircling a court yard, into which the carriage and sobriety, and will drive you like a funeral if you want. Open your eyes now, and look at him. Now, don't say I never think about you when I'm gone." drove through an arched gateway. The cour n the inside, had evidently been arranged to

gratify a picturesque and voluptuous ideality.

Vide galleries ran all round the four sides

whose moorish arches slender pillars and ar

a dream, to the reign of oriental romance in Spain. In the middle of the court a fountain

threw high its silvery water, falling in a never-

ceasing spray into a marble basin, fringed with

in the fountain, pellucid as crystal, was alive with myriads of gold and silver fishes, tumbling

and darting through it like so many living jew

cls. Around the fountain ran a walk, paved with a mosaic of pebbles, laid in various fanci-ful patterns; and this again, was surrounded

turf, smooth as green velvet, while a carriage

ious shade; and ranged in a circle round upon

he turf were marble vases of arabesque sculp ure, containing the choicest flowering plants o

eaved Arabian jessamines with their silvery

essamines, the lemon-scented verbenum, and ever and anon a mystic old aloc, with its strange,

nassive leaves, looking like some hoary old e

sh stuff, and could be drawn down at pleasure o exclude the beams of the sun. On the whole, be appearance of the whole place was luxuri-

As the carriage drove in, Eva seemed like

Tom, my boy, this seems to suit you."

"Yes, massa, it looks about the right thing.

All this passed in a moment, while trunks

come in. Foremost among them was

This personage had been exerting himsel

with great alacrity in driving all the flock of

nestics to the other end of the verandah.

"Back! all of you. I am ashamed of you," he said, in a tone of authority. "Would you intrude on master's domestic relations in the

first hour of his return ?"

All looked abashed at this elegant speech, de-

vered with quite an air, and stood huddled to

Owing to Mr. Adolph's systematic arrange-

ng the backman there was nobody in view but

gold guard-chain, and white pants, and bowing

while Adolph poured forth, with great fluency

an extemperary speech, which he had been pre-paring, with great care, for a fortnight befor

his usual air of negligent drollery, "that's ve well got up, Adolph. See that the baggage

well bestowed. I'll come to the people in a minute;" and, so saying, he led Miss Ophelia to

large parlor that opened on to the verandah

like a bird through the porch and parlor to

little boudoir opening likewise on the verandal

her over and over again.
"That'll do—take care, child—don't—yo

nake my head ache," said the mother, after she

had languidly kissed her.
St. Clare came in, embraced his wife in tro

on her cousin with an air of some curiosity, and

received her with languid politeness. A crowd

of servants now pressed to the entry door, and among them a middle-aged mulatto woman, of

emor of expectation and joy at the door.
"Oh, there's Mammy!" said Eva, as she flew

across the room; and throwing herself into her

arms, she kissed her repeatedly.

This woman did not tell her that she made

thing to be doubted of; and when released from

afterwards declared fairly turned her stomach

"Well!" said Miss Ophelia, "you Southern children can do something that I couldn't." "What, now, pray?" said St. Clare.

"Well, I want to be kind to everybody, and

wouldn't have anything hurt; but as to kiss

St. Clare laughed, as he went into the

age. "Halloa, here, what's to pay out here

Here, you all—Mammy, Jimmy, Polly, Sukey—glad to see mass'r!" he said, as he went shak-

ing hands from one to another. "Look out for

sooty little urchin, who was crawling upon all

dessing mass'r, as St. Clare distributed small

and toys of every description, during her whole

that would have done credit to any dandy liv

seems to me that's my vest."

Puh! you puppy," said his master, striking

Oh! massa, this vest all stained with wine

of course, a gentleman in massa's standing never

wears a yest like this. I understood I was to

take it. It does for a poor nigger fellow like

And Adolph tossed his head, and passed hi

agers through his scented hair with a grace.

Well, here, I'm going to show this Tom to I

So, that's it, is it?" said St. Clare, carelessly

istress, and then you take him to the kitchen

nd mind you don't put on any of your airs to

him. He's worth two such puppies as you."
"Massa always will have his joke," said

Tom entered the room. He looked wistfully

on the velvet carpets, and the before unimagin

curtains, and, like the Queen of Sheba before

Solomon, there was no more spirit in him.

looked afraid even to set his feet down.

babies!" he added, as he stumbled over a

"If I step upon anybody, let 'em men-

up to—hey?"
"Yes, that's it. How can she?"

very respectable appearance, stood foremost in

Mamma!" said Eya, in a sort of a rapture

rom a couch on which she was reclining.

bird ready to burst from a cage, with the wild

and romantic

Isn't it beautiful?"

anid Tom.

away the baggage.

agerness of her delight.

rive surrounded the whole. Two large orange

trees, now fragrant with blossoms, threw a de-

border of fragrant violets. The water

esque ornaments, carried the mind back, as in

Marie opened her eyes, and fixed them on om, without rising.

I know he'll get drunk," she said.

No, he's warranted a pious and sober ar-

Well, I hope he may turn out well," said lady: "it's more than I expect, though." "Dolph," said St. Clare, "show Tom down airs: and mind yourself," he added; "rememor what I told you." Adolph tripped gracefully forward and Tom

ith lumbering tread, went after.
"He's a perfect behemoth." said Marie. "Come, now, Marie," said St. Clare, seating imself on a stool beside her sofa, "be gracious,

and say something pretty to a fellow. "You've been gone a fortnight beyond the ne." said the lady, pouting. "Well, you know I wrote you the reason." Such a short, cold letter," said the lady.

Dear me! the mail was just going, and nd to be that or nothing.
"That's just the way always," said the lady, always something to make your journeys long; and letters short."

See here, now," he added, drawing an elegant velvet case out of his pocket and opening it.
here's a present I got for you in New York."
It was a Daguerreotype, clear and soft as an engraving, representing Eva and her father

chanter, sitting in weird grandeur among the more perishable bloom and fragrance around it. ing hand in hand. Marie looked at it with a dissatisfied air. The galleries that surrounded the court were What made you sit in such an awkward tooned with a curtain of some kind of Moor-

"Well, what the position may be, is a mat-er of opinion; but what do you think of the likeness?"

"If you don't think anything of my opinion in one case, I suppose you wouldn't in another," said the lady, shutting the Daguerreotype.

"Hang the woman," said St. Clare, mentally; "Hang the woman," said St. Clare, mentally; but aloud he added: "Come, now. Marie, what do you think of the likeness? Don't be non-

"Oh, isn't it beautiful, lovely! my own dear, larling home!" she said to Miss Ophelia. "Tis a pretty place," said Miss Ophelia, as she alighted: "though it looks sort o' old and "It's very inconsiderate of you, St. Clare," said the lady, "to insist on my talking and looking at You know I've been lying all day with Tom got down from the carriage, and looked the sick headache, and there's been such a tuabout with an air of calm, still enjoyment. The negro, it must be remembered, is an exotic of mult made ever since you came, I'm half dead.
"You're subject to the sick headache, ma'am, the most corecous and surerly countries of the world, and he has deep in his heart, a passion for all that is splendid, rich, and fanciful—a passion which rudely orders at the colder taste, draws on them the ridicule of the colder Miss Ophelia, suddenly rising from the depths of the large arm chair where she had

sat quietly, taking an inventory of the furniture. Yes, I'm a perfect martyr to it, said the

and more correct white race.
St. Clare, who was in his heart a poetical vo-Juniper berry tea is good for sick headache," said Miss Ophelia; "at least, Auguste, Deacon Abraham Perry's wife, used to say so; ptuary, smiled as Miss Ophelia made her remark on his premises, and, turning to Tom, who was standing looking round, his beaming black and she was a great nurse."

"I'll have the first Juniper berries that get ace perfectly radiant with admiration, he said

ripe in our garden by the lake brought in for that especial purpose," said St. Clare, gravely pulling the bell as he did so; "meanwhile, cousin, you must be wanting to retire to your apartment and refresh yourself a little after your journey. Dolph," he added, "tell Mammy to come here." The decent mulatto woman ere being hustled off, hackman paid, and while a crowd, of all ages and sizes—men, women, and children—came running through the galleries, both above and below, to see whom Eva had caressed so rapturously soon entered; she was dressed neatly, with a high red and yellow turban on her head, the recent highly-dressed young mulatto man, evidently a very distingue personage, attired in the ultra extreme of the mode, and gracefully waving a scented cambric handkerchief in his hand. gift of Eva, and which the child had been ar ranging on her head. "Mammy," said St Clare, "I put this lady under your care; she is tired, and wants rest; take her to her chamber; and be sure she is made comfortable:" and Mis Ophelia disappeared in the rear of Mammy. ITO BE CONTINUED.

> COL. CRITTENDEN'S LAST LETTER SHIP-OF-WAR ESPERANZA,

gether at a respectful distance, except two stout DEAR LUCIEN: In half an hour, I, with fifty others, am to be shot. We were taken prison porters, who came up and began conveying ers yesterday. We were in small boats. Gen Lopez separated the balance of the command from me. I had with me about one hundred was attacked by two battalions of infantry and Mr. Adolph himself—conspicuous in satin yest, one company of horse. The odds was too great and strange to tell. I was not furnished with with inexpressible grace and snavity.

"Ah, Adolph, is it you?" said his master, offering his hand to him: "how are you, boy?" single musket cartridge. Lopez did not get any artillery. I have not the heart to write to any of my family. If the truth ever comes out, you will find that I did my daty, and have the perfect confidence of every man with me. We had retired from the field, and were going to sea, and were overtaken by the Spanish steamer Habanero, and captured. Tell Gen. Huston "Well, well." said St. Clare, passing on with susual air of negligent drollery, "that's very that his nephew got separated from me on the 13th-day of the fight-and that I have not een him since. He may have straggled off and joined Lopez, who advanced rapidly to the in-terior. My people, however, were entirely surthis had been passing. Eva had flown rounded on every side. We saw that we ha been deceived grossly, and were making for the United States when taken. During my short A tall, dark-eyed, sallow woman half rose sojourn in this island, I have not met a songle Patriot. We landed some forty or fifty miles to throwing herself on her neck, and embracing the westward of this, and I am sure that in that part of the island Lopez has no friends. When I was attacked, Lopez was only three miles off. If he had not been deceiving us a to the state of things, he would have fallen back with his force and made fight, instead of orthodox husbandly fashion, and then presented to her his couisn. Marie lifted her large eyes which he marched on immediately to the in-

I am requested to get you to tell Mr. Green the custom-house, that his brother shares my fate. Victor Kerr is also with me, also Stanford I recollect no others of your acquaintance at present. I will die like a man. My heart has not failed me yet, nor do I believe it will. Com-

nunicate with my family.

This is an incoherent letter, but the circu stances must excuse it. My hands are swoller to double their thickness, resulting from having them too tightly corded for the last eighteen er head ache, but, on the contrary, she hugged her and laughed and cried, till her sanity was a hours. Write to John, and let him write to my mother. I am afraid that the news will break her heart. My heart beats warmly to-Eva flew from one to another, shaking hands and kissing, in a way that Miss Ophelia

wards her now.
Farewell! My love to all of my friends.
am sorry that I die owing a cent, but it is i Yours, strong in heart, W. L. CRITTENDEN.

To Dr. Lucien Hensley.

We understand that Mr. John A. Rockwell Niggers," said St. Clare, "that you're not late Chairman of the Committee on Claims of the House of Representatives, has in the course of preparation a compilation and translation of Spanish and Mexican law, of real estate and concerning mines, in force in California when ceded to the United States.

The work will contain, we ranslation of the titles in the most recent Span-sh codes, the decrees of the Cortes of Spain nd the Mexican statutes and decrees on th ubjects embraced in the work The first volume, in relation to the law of

nines and mining, is in press, and will be issued

"Come, now, take yourselves off like good boys and girls," he said, and the whole assem-blage, dark and light, disappeared through a door into a large verandah, followed by Eva PROPOSED LINE OF STEAMERS BETWEEN QUE BECAND EUROPE.—The Quebec Board of Trade, at a late meeting, adopted a series of resolutions setting forth the advantages of a line of steam ers direct between Quebec and Europe, which they state would greatly benefit one of the most filling with apples, nuts, candy, ribbons, laces homeward journey.
As St. Clare turned to go back, his eye fell fertile regions on this continent, and furnish the needed facilities for a vast immigration to that region. A memorial to the Governor and Counupon Tom, who was standing uneasily, shifting from one foot to the other, while Adolph stood cil, based upon the resolutions, asks £10,000 from the Government in aid of the enterprise negligently leaning against the banisters, examng Tom through an opera glass, with an air New York Trib

> TELEGRAPH LAWSUIT.-The case of French and others against Rogers and others, involving important questions relative to the originality the invention claimed by Professor Samuel F. B. Morse, was commenced yesterday in the U. S. Circuit Court in Philadelphia. The plain iffs, who represent the Magnetic Telegraph Company, allege that the defendants, who rep resent the "Bain Line" from Washington to New York, have violated the patents granted

MR. BENTON'S HISTORY.-The N. Y. Mir. ror says the Messrs. Appleton have concluded an arrangement with ex-Senator Benton for the publication of the political work on which he is now engaged in his retirement. It will form a single volume of about 800 pages octavo.

NEANDER'S LIBRARY.-We are happy learn that the required sum of \$3,000 has been

WASHINGTON, D. C.

THURSDAY, SEPTEMBER 18, 1851.

NEW TYPE.

We present to our readers this week the Era in new and beautiful type, and in a short time other improvements will be made. Hereafter, we shall give up much less space to advertise-

MRS. STOWE'S STORY.-We learn through private source that Mrs. H. B. Stowe has just completed an engagement with Messrs. Jewett & Co., of Boston, for the publication of her story. now appearing in our columns. The stereotyping commences this week; and it will be corrected complete, from the press, immediately after its close in the Era.

PEACE CONGRESS.-As very many of ou readers are interested in the Cause of Peace, we devote a large portion of our first page to an account of the Peace Congress at London, embracing a report of Mr. Cobden's great

FRIEND OF YOUTH.

The Friend of Youth is drawing towards th lose of its second volume. The September number, which was sent to subscribers last week, is full of original matter, from highly gifted correspondents. The next number which will appear on the first of October, will complete the second volume, and it is desirable that its patrons renew the list immediately. . If they begin now, it will not be too soon. The corps of writers employed by the editor have the rare art of writing or young folk in such a way as to convey many weful lessons, and at he same time quicken their imaginations and engage their feelings. They will continue their entributions to the third volume.

Terms-50 cents a year for a single cop five copies for \$2, twelve copies for \$4. Payments in advance. Communications to be addressed to Mrs. Margaret L. Bailey, Washing-

UNITED STATES MISSION TO JAPAN.

Commander Aulick, who was appointed wir months ago to the command of our East India Squadron, sailed from Nortone ways last June, with instructions, it is understood, to visit Japan, and endeavor to open a trade with that Empire. It is an object of great interest and we hope our Government will not abandon its pursuit until it has tried every legitimate means. The civilized world is concerned in its ccomplishment.

For the information of our readers, we ha been at some pains to procure a very interesting correspondence on the subject, which we three papers, submitted to the United States Government by AARON H PALMER, a gentle man who has been for several years diligently engaged in collecting authentic information respecting Japan and its People, their resources. trade, language, literature, &c., and is perhaps better informed on these topics than any man in the United States. His suggestions, we have reason to believe, met with the concurrence of to the master of a steamboat running between Mr. Clayton, Secretary of State under General Taylor, and would have been carried into effeet but for the death of the President and consequent change of Administration.

The letter of Mr. Palmer to Mr. Clayton mbodies much important and interesting mat ter in relation to the interior of Japan. We commend the whole correspondence to the at-

tention of the reader. MR. WHITTIER'S POEMS-A GOOD SUGGES TION.—A correspondent living in Washington says: 1 wish you could induce Mr. Whittier to publish an edition of his poems that could be handled without gloves. He is eminently the poet of the People, and yet we cannot have his noble Perse in a durable form, for the singular reason that we are poor. I know of many o Mr. Whittier's warmest admirers who share my poverty and my regret that a cheap edition is denied us. If he thinks his pecuniary interest is promoted by his associating on the cases of booksellers with the parlor poets only, he is surely mistaken. In the name of the friends of humanity and lovers of good poetry among the poor, I demand a cheap edition of Whittier."

We second the motion. For the form in which our friend Whittier's Poems have been given to the public, the publisher is responsible, not he. The pecuniary motive has the least possible to do with the poet. The suggestion of our correspondent is a good one, and we commend it to the consideration of Mr. Whittier's publishers. He is not the only poet whose influence has been restricted by being dressed in so costly a style, that the masses have been unable to take him to their humble homes. It is well enough to have superb editions for those who can afford to buy them, and cheap ones for the People who have no money to waste upon typographi-

A QUESTION AND AN ANSWER .- "How can man buy a slave for liberation, and not be guilty of encouraging Slavery?" A correspondent wishes this question answered.

Suppose he had a brother among the poor prisoners sentenced for ten years to the Spanish mines, and that, like some of the rest of us, he believed that the Spanish Government in Cuba was a wicked Despotism : would he ransom that brother if he could, by paying \$100 to the Captain General, and would he think such an act wrong? It would not encourage the gross Tyranny of Cuba, or prove that it was not regarded by him as wicked-but it would be simply an evidence of brotherly love.

Or, suppose, in consequence of some accident and temporary scarcity of grain, a speculator should attempt to practice extortion upon the community, and that our correspondent should be so situated that he must buy a portion of grain of him, at his extertionate price, or starve to death, would he buy it, and if he did, would he think the act an encouragement to extortion and sinful? It would be simply an evidence

his pressing necessity, nothing more. The poor slave mother, whom a hundred dol lars would save from being separated from her children forever, could understand a man if he were to tell her that he was too poor to raise that amount, but she would marvel at the phi lanthropy of a man who, with plenty of money for luxuries, and plenty of lamentation over he sad fate, should refuse to help her, on the ground

The golden rule for this case and all sin mes, is the infallible rule - Whatsoever we would that men should do to you, do to them. If I were a slave seeking the ransom for my freedom, should pity the necessity but hate the meta physics that would deny me aid.

Abolition in the South.—The Knoxville (Tenn.) Whig states that at a public exhibition of an academy in Washington county, in that State, one of the students delivered an address upon the Slavery question, prepared under the control of the Principal, who is said to be a Northern Abolitionist, arguing from Scripture the impossibility of a man being a Christian who is a slaveholder.

learn that the required sum of \$3,000 has been raised in time, by which the splendid library of Dr. Neander will be secured to Lane Seminary.

New York Evangelist.

DEATH OF DR. SYLVESTER GRAHAM.—This gentleman died at Northampton, Mass., on the morning of September 11th, of which town he was a resident.

who is a slaveholder.

The South owe it to itself to put down, not by violence, but by firm and decisive measures, institutions at which such sentiments are propagated. Abolitionists should be taught to confine their labors to their own country. When they appear on this side of Mason's and Dixon's line, they should be ejected forthwith, and such penalty affixed to their return as will convince

them that "discretion is the better part of cannot, I think, be maintained that this intent

Exactly so-they have just ejected Mr. Lloyd, a naturalized citizen of this county, from Austria. In his newspaper he undertook to criticize, with some plainness of speech, the conduct of the Government: for this he was ejected, and such penalty affixed to his return as will convince him that "discretion is the better part

All Despotisms are founded on the same priniples, and seek to maintain themselves by similar methods.

THE FUGITIVE LAW-ANOTHER DE-The tenth section of the Fugitive Law of last

Congress provides as follows: SEC. 10. And be it further enacted. That when any person held to service or labor in any State or Territory, or in the District of Colum-bia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or

their agent or attorney, may apply to any court of record therein, or judge thereof in vacation, and make satisfactory proof to such court, or judge in vacation, and make satisfactory proof to such court, or judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record, authenticated by the attesation of the clerk and of the seal of the said court. being produced in any other State, Territory, being produced in any other State, Territory, or District, in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence if necessary, either oral or by affidavit, in addition to what is contained in the said record, of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge, or other person authorized by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences foresaid, grant to such claimant a certificate of his rights to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest to seize or arres

be construed as requiring the production of transcript of such record as evidence as aforesaid. But in its absence, the claim shall be heard and determined upon other satisfactory proofs, com-

Under this section, Daniel Davis, a colored per-

on, was lately seized in Buffalo, and claimed as the fugitive slave of George J. Moore of Kentucky. The agent of the claimant submitted publish on our fourth page. It consists of to Commissioner Smith the transcript of a record of Jefferson county, Ky., stating that it had been proved to the satisfaction of that court by the affidavits of two persons therein named, that the petitioner owed service to the claimant, and that he had on or about the 27th day of August 1850, escaped therefrom into the State of Ohio. It was proved by the son of the claimant that

> Cincinnati and Louisville, that he knew of the steamer once going, with Davis on board, to the former place, and that he did not return thence. It is a well-settled principle of Law in the free States, and the current of judicial decisions in and escaping there, cannot be reclaimed under the provisions of the Constitution in relation to fugitives, inasmuch as this enjoins the surrender only of those persons who, being held to service or labor in one State, under the laws thereof, escape into another. The case of Davis was not within the scope of this provision, for

his father hired out Davis as a steward and cook

he did not escape into Ohio, but was permitted by his master to go to Ohio, and when there being held to service under no law, he simply asserted his right as a freeman, in refusing to return. There was no escape within the meaning of the Constitution. The Commissioner, in the face of the Law as established by the highest authority, ventured the extra judicial opinion, that slaveholders

have the constitutional right to travel through the free States, with their slaves, and to take them away with them! But, not on this ground was the case decided.

He refused to try it upon its merits-nor would he wait till a messenger despatched to call a witness for the prisoner had time to return. He held that the record evidence submitted was conclusive and with hot haste issued the order for the removal of the alleged fugitive. A writ was forthwith obtained, by which the

ase was taken before Judge Conklin, of the United States District Court. The argument by the counsel for the prisoner and the claimant occupied the 26th and 27th of August. On the second day thereafter, the Court delivered its opinion, allowing the habeas corpus; the next day the prisoner was discharged, and immediately conveyed to Canada. We present the material part of the opinion, containing the ground on which the habeas corpus was grant-

"The claimant saw fit to avail himself of the provisions of the 10th section of the act, by to make proof of the main facts of title and escape before a court of record, or some jud made, and having obtained a transcript of the record, which such court is required to make, of the matters so proved, to exhibit the same to the judge or commissioner, to whom applica-tion shall be made, in the State where the fugi-tive shall be found, as conclusive evidence of the facts therein stated. Such a record was produced before the court in the present case, and is distinctly stated in the certificate to have formed the basis of this action in the premises. It was suggested at the argument, though apparently with no great confidence, that the commissioner might by possibility have had other competent evidence before him; but I am clearly of opinion that no such sup position is admissible

position is admissible.

"There is not, in the papers before me, the slightest intimation to this effect, but, on the contrary, the transcript is exclusively referred to throughout, as the evidence by which the title of the claimant and the fact of escape were established. But the escape is also throughout alleged to have occurred on or about the 25th day of August, 1850, whereas, the act was not passed until the 18th of September following; and it is upon these dates that the objection is founded. The language of the 10th section of the act is this; 'And be it further enacted, That when any person held to labor or service, in any State or Territory or in the District of or Territory, or in the District Columbia, shall escape therefrom, the party to whom such service or labor is due, his, her, or their agent or attorney, may apply to any court of record therein, or judge thereof in vacation,

and make satisfactory proof,' &c.
"Now, it is insisted that this provision is clear "Now, it is insisted that this provision is clear-ly prospective, and therefore inapplicable to the case of an escape from labor or service occur-ring before the passage of the act; and such, I am constrained to say, appears, to me to be the plain sense of the enactment. It was agreed by the counsel for the claimant, that this being a remedial act, it is to be so construed as to su press the mischief, and advance the remedy and that if it can be reasonably inferred from its whole tenor, that the provis or palpable injustice it is to be or parable injustees. It is to be interpreted ac-cording to its natural import. It may be con-ceded that the legislative intent imported by the words used might have been more explicitly declared by the addition, immediately the word 'shall' of the word Acreafter the words after the passage of this act; but it

is not unequivocally expressed by the word 'shall' alone. If I were permitted, however, to look beyond the terms of that provision itself, and to speculate upon its probable design, I am unable to perceive that the result would be varied. The only other part of the act specially referred to by the counsel for the claimant, for the purpose of shedding light upon that under consideration, is the beginning of the sixth section, which provides for a different mode of establishing the facts of title and escape.
"The words here are: 'That if a person held

to service or labor in any State or Territory of the United States, has heretofore, or shall hereafter escape,' &c. The argument is, that it is manifest from this language that Congress in-tended to provide for cases of prior as well as subsequent escape. There can be no doubt of this, so far as the provisions of this section are concerned. But it is to be considered that the 10th section introduded a most important inno-vation upon the law as it was before the passage of the act. It authorizes an ex parte ap-plication to a court or judge, to be selected by the claimant, in the absence of, and without notice to, the party to be affected by the pro-ceedings, to determine questions of fact involv-ing his freedom or servitude for life, and declares the decisions of such court or judge to be full and conclusive evidence of the facts deci-ded, and therefore binding upon the judgment and conscience of the court, judge, or commis-oner, in any other State, before whom the alleged fugitive may be reclaimed. It is not my province to express any opinion on the reason-ableness of this great innovation. It must be conceded that there were not wanting strong and justifiable motives for its enactment, and it is sufficient for those whose duty it is to execute

is sufficient for those whose duty it is to execute it that Congress have seen fit to adopt it.

"But it may, I think, well be supposed, that in deference to the spirit of the great principle of natural justice and constitutional law, which forbids the enactment of ex post facto laws, it was intentionally limited to cases of escape from servitude thereafter to occur; and this inference am of opinion, is rather strengthened than weakened by the retroactive phraseology employ ed in the 6th section. The liability of this pro vision to abuse is too obvious to escape notice and it is worthy of observation, that in the present case, as it appears by the record of the Kentucky court, instead of requiring the person-al attendance of the witnesses of the claimant, the court saw fit, in the discharge of the grave and responsible duty imposed upon it by the act, to receive affidavits, and to act upon them alone, although the deponents are described as residents of the city of Louisville, where the court was held. It may well be that these witown knowledge to attest to all the facts required ware oradible persons able from their fully to warrant the decisions of the cou that a careful cross-examination would have but conceding that the evidence before the court might lawfully be held by it to constitute the 'satisfactory proof' required by the act, the opposite course of procedure would, to say the least, have been more consonant with the established, and, as I had supposed, universally recognised principles of enlightened jurispru-

"I am, therefore, also of opinion, that it is my duty to apply to this enactment the same rule of construction that is applicable to penal statutes 'It was,' says Professor Christian, 'one of the laws of the twelve tables of Rome, that when ever there was a question between liberty and slavery, the presumption should be on the side of liberty.' This excellent principle our law of liberty. This excellent principle our law has adopted, in the construction of penal stat-utes; for whenever an ambiguity arises in the statute introducing a new penalty or punish-ment, the decision shall be on the side of lenity and mercy; or, in other words, the decision shall be according to the strict letter in favor of the subject. And, though the judges in such cases may frequently raise and solve difficulties contrary to the intention of the Legislature, yet no further inconvenience can result than that States, and the current of judicial decisions in the slave States is in favor of it, that a slave And it is more consonant to principles of liberty, that the judge should acquit whom the legis-lator intended to punish; than that he should punish whom the legislator intended to discharge

with impunity.' 1 Blac. Comm., 88, note 19.
"The result of this examination then is, that though the evidence on which alone the Com-missioner founded his adjudication would have been sufficient and conclusive in a case arising after the passage of the act, it was wholly in-applicable to a case like the present, arising be-fore the passage of the act. In other words, as appears on the face of the certificate itself, the adjudication was made without evidence, and the only question is whether this great er-ror, arising, I have no doubt, from inadvertence, can be corrected on habeas corpus. I think i may, and that it is my duty to do it. If, as it has been said, 'a good warrant is a good cause of detention,' the converse of the proposition is

We observe in the Richmond (Va.) Whig and other Southern papers a gross misconception of the extent and effect of this decision They assume that it completely nullifies the Law. The Whig says: "Should the decision be sustained by the Supreme Court, where the case will undoubtedly be carried, it will effectually bar all further attempts to recover slaves construction which he gives to the 10th section of the act, no slave who escaped from servitude prior to the passage of the act, can be recovered under the law. Such need therefore entertain no apprehension of an arrest, but have a right to regard themselves as free." * * "He disregards the universally known intention of the makers of the law-the direct language of one of its sections-and by a miserable quibble gives a construction to a single word in another section which renders the law altogether prospective in its operation." * * * "What can be plainer than this clause in the 6th section: 'That if a person held to service or labor in any State or Territory of the United States, has heretofore or shall hereafter escape, &c. The argument by which Judge Conklin attempts to evade the plain language of the law would bring discredit upon the merest pettifogger at the bar. While he admits that it was the obvious intention of Congress in adopting this section to provide for the recovery of slaves who escaped prior to the passage of the act, yet inasmuch as the 10th section was an innovation upon the old fugitive law, in deference to the great principle of natural justice, &c., which prohibits the passage of an ex post facto law, he thinks the inference just that the design of Congress was to limit it to a prospective operation. This involves not only a contradiction in terms, but what is worse, a gross confusion of ideas. How is it possible for Congress to have intended to make the law retroactive by the adoption of one section, and still in another make it the very opposite? Yet such is the construction placed upon it by the learned

and conscientious Judge." If this commentator were equally as "learned and conscientious," he could not have been guilty of so gross misrepresentation. Judge Conklin affirms the constitutionality of the law. and insists upon its execution. Should his construction of the 10th section stand, not one of the consequences imagined by this "conscientious" commentator would follow. Nor does the Judge by a miserable quibble render the "law altogether prospective in its operation." The 10th section alone is pronounced prospective in its action, but every other portion of the law is regarded as retroactive. The 10th section is an innovation upon the old fugitive law. and, it may be added, upon every rule of evidence. It provides for depriving a man of his liberty upon merely ex parte testimony. It puts it in the power of the Courts and Legislatures of the slave States to over-ride the jurisprudence of the free States, and to stretch with impunit beyond its original intention, a cons provision exceptional to the sovereignty and institutions of the free States.

In the case under consideration, Davis been permitted by his master to come to Ohio, the Supreme Court of which has already es-

tablished the principle that no slave brough by the master or permitted by Lim to come within its boundaries, can be reclaimed. A person appears before a county court in Kentucky, claiming Davis as his slave. The claim is tried, in the absence of, and without notice to, the person whose liberty or slavery for life to be decided upon. No witnesses are summoned for him, and, in this case, even the presence of the witnesses for the claimant was not required. On their mere affidavits, the county court decided that the claim was good, and that Davis was a fugitive slave! transcript of the record of a sham trial like this is to be received as conclusive and final evidence throughout every other State, that a man is a fugitive slave belonging to the person who holds said transcript, and every Commismissioner, every District Judge in a free State is bound by this 10th section to surrender him A more monstrous innovation on all law and justice has never disgraced any civilized coun-

It is this vile section which Judge Conklin. founding his opinion on the naked letter, pronounces prospective in its operation; but this does not affect the rest of the law, for the same section expressly provides, "that nothing heren contained shall be construed as requiring the production of a transcript of such record as evidence aforesaid; but in its absence the claim shall be heard and determined upon other satis factory proof, competent in law." What this satisfactory" proof is, is defined in the 6th ection, which is expressly retroactive and prospective in its operation, as the 10th section is expressly and exclusively prospective.

The majority of fugitives claimed hitherte have been claimed under the 6th section; and such will be the case hereafter. A few only have been demanded under the 10th section which is alone affected by the opinion of Judge Conklin-and yet the "learned and conscientious" commentator of the Whig has the face to assert that the Judge has nullified the law. and hereafter his decision, if sustained, will effectually bar all further attempts to recover slaves who escaped from service prior to the passage of the fugitive law!

The decision of Judge Conklin establishes the mportant principle that the Court to whom the record evidence prescribed in the 10th section is submitted, that was and the ascertain whether it conforms to the requirements of the law, and, if it do not so conform reject it as no evidence at all. Commissioner smith understood his duty imperfectly. Judge Conklin examined the record, found that it averred the fact of escape before the passage of the law, which declares all proceedings under this 10th section prospective, and he therefore held that the adjudication of the Commissioner was made without evidence.

Let us apply the principle in another case claimant appears before the County Court of Jefferson, Ky., proves that a certain person owed him service under the laws of Kentucky. that while owing service, he was permitted to visit Cincinnati, whence he never returned The Court causes a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be. The claimant with a transcript of such record, authenticated by the attestation of the clerk, and by the seal of the said Court, proceeds to Ohio, has the alleged fugitive arrested and brought before Judge McLean, and submits said transcript as his claim. The Judge examines the record and on the face of it finds that it is not con formable to the provisions of the 10th section under which proceedings are instituted. This section defines the person to be delivered up as a fugitive, on proper record evidence, as a person held to service or labor in any State or Ferritory, or in the District of Columbia," who shall escape therefrom." The authenticated transcript of the record on its face alleges, that while held to service or labor under the laws of Kentucky, he was permitted by his master to go to Cincinnati, Ohio, whence he refused to return. He is not, then, the person described in the 10th section; he has not escaped from the service or labor to which he was held in Kentucky, but was permitted by his master to leave it so far as to place himself beyond the jurisdiction of the laws under which he was held. It seems to us that the Judge would be obliged to discharge the person under arrest, on the ground of absence of evidence, the record, on its face, not only failing to show that he was a fugitive, within the meaning of the who escaped from service prior to the passage of the Fugitive Act." * "According to the reverse. If the Court can look into the of evidence to see that it conforms to the requirements of the 10th section in one part, it

must exact conformity as it respects all parts. We have no doubt that it was the insidic purpose of those who concocted this 10th section, to destroy the effect of the repeated judicial decisions, (that a slave is not subject to reclamation, who has been carried, or permitted by his master to go to a free State,) and to make the laws of the slave State, as defined by pro-slavery tribunals, paramount in free States. the principle of construction, irresistibly im plied by the decision of Judge Conklin, will, honestly and intelligently applied, effectually defeat this purpose. The Commissioner will not be bound by the transcript of the record of a court of another State, alleging the escape of a fugitive, unless the said transcript show that he has escaped from service or labor in that State. If it fail to show this, or if it show that he has been carried into a free State with the consent of his master, then this fugitive law has no more to do with him than has the Federal Constitution, to carry out one of whose provisions it was enacted. His seizure and detention are illegal.

THE RANDOLPH NEGROES.—One or two years ago, some itinerant correspondent, dealing it petty wares, stated through one of the newspapers that the Randolph slaves, emancipated and carried into Ohio, were miserably off, and some, anxious to return. The slander served as a text for many a sermon, among those who imagine slavery to be God's best gift to the negro, and then died out. Some other itinerant has lately revived the story, and we see it discoursed upon by grave newspapers, as solemnly as was the letter of "Daniel in the den. which he refused to endorse when out of the den. The Piqua (O.) Register, a Whig paper, published in the neighborhood of these freedmen of Randolph, gives the story its quietus, as follows:

"We find the above in the National Intelligencer of the 26th ult., and copy it for the pur-pose of correcting the statement in regard to the Randolph negroes. However correct the writer may be in his observations, he has been led into error in regard to those pages by writer may be in his observations, he has been led into error in regard to these negroes by those from whom he derived his information. A large majority of the Randolph negroes, instead of being, as represented, 'worthless pests upon the community in which they are located,' are honest, industrions people, supporting themselves and families in comfort, and some of them accumulating good property. Upon the whole, they have exceeded the expectations of those who were most sanguine in respect to

BOLITION OF SLAVERY BY PORTUGAL -Adfrom Lisbon of the 9th July, received by ae America, state that the Portuguese Govern-tion of slavery in its possessions, as also more stringent measures for suppressing the traffo gradually on the Coast of Africa.